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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,204	05/09/2001	Naoya Suzuki	450100-03212	3885
20999	7590	05/19/2004	EXAMINER	
FROMMERM LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			PEREZ, JULIO R	
			ART UNIT	PAPER NUMBER
			2681	5

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/852,204	SUZUKI, NAOYA
	Examiner	Art Unit
	Julio R Perez	2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 May 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-16 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).
2. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Nielsen (6055570).

Regarding claim 1, Nielsen teaches an update monitoring apparatus, comprising: storing means for storing data indicating at least locations of contents to be monitored and a number of a mobile communication terminal which is informed of update of said contents (col. 4, lines 48-56; col. 5, lines 61-67; col. 6, lines 1-5 and 19-22, several machines may be used with the system; the system provides database means for storage of contents); monitoring processing means for monitoring a update state of said contents stored in a prescribed server (col. 2, lines 39-44; col. 5, lines 6-10, the system is capable of monitoring changes in the contents on the network); and notifying means for transmitting an update notification signal indicating that said contents have been updated, to said mobile communication terminal over a radio communication circuit

network (col. 5, lines 25-30; col. 6, lines 6-12, the update manager may notify the update system).

Regarding claim 2, Nielsen teaches the update monitoring apparatus, wherein said update notification signal has data indicating at least said locations of said contents (col. 8, lines 48-55, the system database contains URLs location of monitored changes).

Regarding claim 3, Nielsen teaches a mobile communication terminal comprising: radio communication means for connecting by radio to a radio communication circuit network to perform communications (col. 4, lines 48-56; col. 6, lines 52-53 and 61-67, the system may use several means for communicating and receiving data through communication networks); notifying means for notifying a user with an update notification signal that contents to be monitored, received over said radio communication circuit network, have been updated (col. 5, lines 25-30; col. 6, lines 6-12, the update manager may notify the update system); and transmitting means for transmitting an acquisition instructing signal to instruct acquisition of said contents, to a prescribed information processing apparatus (col. 5, lines 22-36, the user may be provided with information about updates after accessing the system; hence, such updated information is transmitted for the user to view on the computer system).

Regarding claim 4, Nielsen teaches the mobile communication terminal wherein said notifying means shows that said contents have been updated, on a display screen (col. 5, lines 6-8 and 54-59; col. 6, lines 33-35, the communication system contains means for displaying information).

Regarding claim 5, Nielsen teaches the mobile communication terminal wherein said acquisition instructing signal has data indicating at least locations of said contents (col. 8, lines 48-55, the system database contains URLs location of monitored changes).

Regarding claim 6, Nielsen teaches the mobile communication terminal, wherein said transmitting means transmits said acquisition instructing signal to said information processing apparatus by radio for short distance (col. 4, lines 48-56; col. 6, lines 52-53 and 61-67, the system may use several means for communicating and receiving data through communication networks).

Regarding claim 7, Nielsen teaches the mobile communication terminal, further comprising operation-inputting means for instructing transmission of said acquisition instructing signal (col. 5, lines 23-30, the computing system possesses means to input the updating information).

Regarding claim 8, Nielsen teaches the mobile communication terminal, comprising: radio communication means for connecting by radio to a radio communication circuit network to perform communications (col. 4, lines 48-56; col. 6, lines 52-53 and 61-67, the system may use several means for communicating and receiving data through communication networks); notifying means for notifying a user with an update notification signal that contents to be monitored, received over said radio communication circuit network, have been updated (col. 5, lines 25-30; col. 6, lines 6-12, the update manager may notify the update system); and acquiring means for acquiring said contents stored in a prescribed server based on said update notification signal (col. 5, lines 22-36, the user may be provided with information about updates after accessing

the system; hence, such updated information is transmitted for the user to view on the computer system, pertaining to ability to acquire the contents from the server indeed).

Regarding claim 9, Nielsen teaches the mobile communication terminal, wherein said acquiring means acquires said contents stored in said server, over said radio communication circuit network (col. 2, 39-53; col. 5, lines 23-31, the computing terminal is able to access the contents in the servers).

Regarding claim 10, Nielsen teaches an information processing apparatus, comprising: receiving means for receiving an acquisition instructing signal to instruct acquisition of contents which is transmitted from a mobile communication terminal (col. 5, lines 54-60, the system is able to receive data regarding updates to be stored into the computer system); and acquiring means for acquiring said contents from a prescribed server based on said acquisition instructing signal (col. 5, lines 22-36, the user may be provided with information about updates after accessing the system; hence, such updated information is transmitted for the user to view on the computer system, pertaining to the ability to acquire the contents from the server indeed).

Regarding claim 11, Nielsen teaches the information processing apparatus, wherein said acquiring means connects by radio to a radio communication circuit network via said mobile communication terminal connected by radio for short distance, to acquire said contents from said prescribed server (col. 4, lines 48-56; col. 6, lines 52-53 and 61-67, the system may use several means for communicating and receiving data through communication networks).

Regarding claim 12, Nielsen teaches an update notification system, comprising: a mobile communication terminal for notifying a user with an update notification signal that contents to be monitored that is received by connecting by radio to a radio communication circuit network (col. 5, lines 25-30; col. 6, lines 6-12, the update manager may notify the update system; ~~col. 5, lines 25-30; col. 6, lines 6-12, the update manager may notify the update system~~), and for transmitting an acquisition instructing signal to instruct acquisition of said contents, to a prescribed information processing apparatus (col. 5, lines 22-36, the user may be provided with information about updates after accessing the system; hence, such updated information is transmitted for the user to view on the computer system); an update monitoring apparatus for storing data indicating at least locations of said contents to be monitored and a number of said mobile communication terminal which is informed of update of said contents (col. 4, lines 48-56; col. 5, lines 61-67; col. 6, lines 1-5 and 19-22, several machines may be used with the system; the system provides database means for storage of contents), and for transmitting said update notification signal to said mobile communication terminal over said radio communication circuit network when said contents stored in a prescribed server is updated (col. 5, lines 25-30; col. 6, lines 6-12, the update manager may notify the update system); and an information processing apparatus for receiving said acquisition instructing signal to instruct acquisition of said content, transmitted from said mobile communication terminal (col. 5, lines 54-60, the system is able to receive data regarding updates to be stored into the computer system), and for acquiring said contents from said prescribed server based on said acquisition instructing signal (col. 5,

lines 22-36, the user may be provided with information about updates after accessing the system; hence, such updated information is transmitted for the user to view on the computer system, pertaining to the ability to acquire the contents from the server indeed).

Regarding claim 13, Nielsen teaches an update notification system, comprising: a mobile communication terminal for notifying a user with an update notification signal that contents to be monitored which is received by connecting by radio to a radio communication circuit network, have been updated (col. 5, lines 25-30; col. 6, lines 6-12, the update manager may notify the update system; ~~col. 5, lines 25-30; col. 6, lines 6-12, the update manager may notify the update system~~), and for acquiring said contents stored in a prescribed server over said radio communication circuit network (col. 5, lines 22-36, the user may be provided with information about updates after accessing the system; hence, such updated information is transmitted for the user to view on the computer system, pertaining to the ability to acquire the contents from the server indeed); and an update monitoring apparatus for transmitting said update notification signal to said mobile communication terminal over said radio communication circuit network based on update of said contents stored in said server (col. 5, lines 25-30; col. 6, lines 6-12, the update manager may notify the update system).

Regarding claims 14 and 16, Nielsen teaches a contents acquisition instructing method and a program storing medium (col. 2, lines 62-63; col. 6, lines 23-38), comprising: a receiving step of receiving an update notification signal to make a notice that contents stored in a prescribed server have been updated (col. 5, lines 25-30; col.

6,lines 6-12, the update manager may notify the update system; col. 5, lines 54-60, the system is able to receive data regarding updates to be stored into the computer system); a notifying step of notifying a user with said update notification signal received, that said contents have been updated (col. 5, lines 25-30; col. 6,lines 6-12, the update manager may notify the update system); and a transmitting step of transmitting an acquisition instructing signal to instruct acquisition of said contents updated, to a prescribed information processing apparatus (col. 5, lines 22-36, the user may be provided with information about updates after accessing the system; hence, such updated information is transmitted for the user to view on the computer system, pertaining to the ability to acquire the contents from the server indeed).

Regarding claim 15, Nielsen teaches the contents acquisition instructing method, comprising: a receiving step of receiving an acquisition instruction signal which is transmitted from a prescribed communication terminal in response to an update notification signal to make a notice that contents stored in a prescribed server have been updated (col. 5, lines 25-30; col. 6,lines 6-12, the update manager may notify the update system; col. 5, lines 54-60, the system is able to receive data regarding updates to be stored into the computer system); and a contents acquiring step of acquiring said contents updated from said server in response to said acquisition instructing signal received (col. 5, lines 22-36, the user may be provided with information about updates after accessing the system; hence, such updated information is transmitted for the user to view on the computer system).

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the art with respect to update monitoring and notification systems.

US Pat. N0. 6360256 to Lim

Redundant array of internet services

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on Monday - Friday, 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JP  
5/11/04

  
ERIKA GARY  
PATENT EXAMINER